

1-1 By: King of Taylor (Senate Sponsor - Fraser) H.B. No. 1665
1-2 (In the Senate - Received from the House April 27, 2011;
1-3 May 3, 2011, read first time and referred to Committee on Veteran
1-4 Affairs and Military Installations; May 12, 2011, reported
1-5 favorably by the following vote: Yeas 5, Nays 0; May 12, 2011, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the notification requirements regarding certain land
1-10 use regulations in an area near military facilities.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. The heading to Section 397.005, Local Government
1-13 Code, is amended to read as follows:

1-14 Sec. 397.005. CONSULTATION WITH OR NOTIFICATION TO DEFENSE
1-15 BASE AUTHORITIES: PROPOSED ORDINANCE, RULE, OR PLAN.

1-16 SECTION 2. Section 397.005(b), Local Government Code, is
1-17 amended to read as follows:

1-18 (b) This subsection applies only to a defense community that
1-19 includes a municipality with a population of more than 110,000
1-20 located in a county with a population of less than 135,000 and that
1-21 has not adopted airport zoning regulations under Chapter 241. A
1-22 defense community that proposes to adopt or amend an ordinance,
1-23 rule, or plan in an area located within eight miles of the boundary
1-24 line of a defense base [~~or the military exercise or training~~
1-25 ~~activities connected to the base~~] shall notify [~~seek comments and~~
1-26 ~~analysis from~~] the defense base authorities concerning the
1-27 compatibility of the proposed ordinance, rule, or plan with base
1-28 operations.

1-29 SECTION 3. The heading to Section 397.006, Local Government
1-30 Code, is amended to read as follows:

1-31 Sec. 397.006. CONSULTATION WITH OR NOTIFICATION TO DEFENSE
1-32 BASE AUTHORITIES: PROPOSED STRUCTURE.

1-33 SECTION 4. Section 397.006(b), Local Government Code, is
1-34 amended to read as follows:

1-35 (b) On receipt of an application for a permit as described
1-36 by Section 245.001 for a proposed structure in an area located
1-37 within eight miles of the boundary line of a defense base [~~or the~~
1-38 ~~military exercise or training activities connected to the base~~],
1-39 the defense community reviewing the application shall notify [~~seek~~
1-40 ~~comments and analysis from~~] the defense base authorities concerning
1-41 the compatibility of the proposed structure with base operations.

1-42 SECTION 5. Sections 397.005(c) and 397.006(c), Local
1-43 Government Code, are repealed.

1-44 SECTION 6. (a) The changes in law made by this Act apply
1-45 only to an ordinance, rule, or plan proposed to be adopted or
1-46 amended under Section 397.005(b), Local Government Code, as amended
1-47 by this Act, or an application for a permit for a proposed structure
1-48 received under Section 397.006(b), Local Government Code, as
1-49 amended by this Act, on or after the effective date of this Act.

1-50 (b) An ordinance, rule, or plan proposed to be adopted or
1-51 amended under Section 397.005(b), Local Government Code, or an
1-52 application for a permit for a proposed structure received under
1-53 Section 397.006(b), Local Government Code, before the effective
1-54 date of this Act is governed by the law on the date the ordinance,
1-55 rule, or plan was proposed to be adopted or amended or the permit
1-56 application was received, and the former law is continued in effect
1-57 for that purpose.

1-58 SECTION 7. This Act takes effect immediately if it receives
1-59 a vote of two-thirds of all the members elected to each house, as
1-60 provided by Section 39, Article III, Texas Constitution. If this
1-61 Act does not receive the vote necessary for immediate effect, this
1-62 Act takes effect September 1, 2011.

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